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### FACSIMILE TRANSMITTAL SHEET

DATE: April 17, 2008  
TO: ISSUE FEE  
COMPANY: U.S. PATENT AND TRADEMARK OFFICE  
FAX NO.: (571) 273-2885 TEL. NO.:  
FROM: Diane Briggs (Cantor Colburn LLP)  
OUR REF: PES-0220 YOUR REF: USSN 10/711,685

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(INCLUDING THIS COVER SHEET):

#### COMMENTS: TO WHOM IT MAY CONCERN:

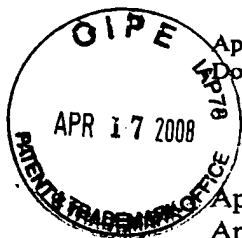
Please find enclosed the Base Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/711,685. Also, find enclosed a request for an Advance Order of Patent copies (3). In addition, find enclosed a "COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE."

Please charge the Issue fee and Publication Fee to Deposit Account 06-1130 (\$1,029).

Thank you,  
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Appln. No. 10/711,685

Docket No. PES-D-003-025 / PES-0220

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/711,685	:	Confirmation No.:	5684
Applicant:	Greg A. Hanlon	:	Group Art Unit:	1745
Filed:	September 30, 2004	:	Examiner:	Lee, Cynthia K.
Docket No.:	PES-D-003-025/PES-0220	:		

For: ELECTROCHEMICAL CELL BIPOLAR PLATE

April 15, 2008

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance presented in the Notice of Allowance dated January 18, 2008.

## CERTIFICATE OF MAILING OR TRANSMISSION

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Diane Briggs  
Name

Diane Briggs  
Signature

4-17-08  
Date

Appl. No. 10/711,685  
Docket No. PES-D-003-025 / PES-0220

The Examiner remarks in Paper No. 20080104, page 3, that the "reasons for amendment" were because par. 21 does not disclose that the pressure exceeding 500 pounds per square inch is withstood by the first bond line and the second bond line as claimed in claims 1 and 13.

Applicant respectfully disagrees, as para. 21 clearly discloses that cells 200 may be operated at elevated pressures upwards or exceeding even 10,000 pounds per square inch. Applicant commented in a January 4, 2008, correspondence to the Examiner that Claims 27 and 28 were cancelled merely to expedite prosecution and allowance of the case, and not for any reasons relating to patentability. When read as a whole, the record is clear and complete that the amendments were not made for the reasons stated by the Examiner.

The Examiner further remarks that Claims 1-23 and 26 are allowed for reasons set forth in Paper No. 20080104, page 3.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks imply, suggest or state that certain limitations or combinations not found in the prior art of record relied upon are or may be present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

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More specifically the Examiner's statement of reasons may imply that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, the Examiner comments that the Spear layers are not in direct contact *with each other*, implying any number of combinations of "direct contact". When read as a whole, the record is clear that the claimed invention is directed to a third layer that is in direct contact with adjacent first and second layers. Accordingly, claims not reciting limitations found in the claims are not so limited.

Respectfully submitted,

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